



In Court of Judge, Special Court NDPS Act, Nagpur.

Presided over by
Shri. M. S. Ganorkar.

Mics. Cri. Appln. No.85 of 2026.

CNR No: MHNG010025062026.

Crime No.446 of 2025, P. S. Wathoda.

Ashish Diliprao Kale.

V/s

State of Maharashtra.
(Through P.S. Wathoda.)

ORDER BELOW EXH.1

(Passed on this 1st April 2026)

1. This is an application for releasing the vehicle Two Wheeler Activa Moped bearing registration No.MH-49-CH-9199 hereinafter terms as the said '**vehicle**' as an interim custody under Section 503 of the Bhartiya Nagrik Surkasha Sanhita.
2. The applicant submitted that he is ready to abide by any condition and is in need of vehicle and there is involvement of his in the crime, hence, the seizure and custody is unnecessary in this case.
3. Heard learned Advocate for Applicant and Learned A.P.P. Perused record and say of the Investigating officer.
4. In the light of this facts emerged, submissions by Applicant and material on record, following points arise for determination before this Court. The said points and findings thereon which follow reasons as:

Point For Determination.

Sr. No.	Point	Finding
1.	Whether the Applicant made out case as to release vehicle, as a interim custody in Application given set of facts?	... Yes.
2.	What order?	...Application allowed as per final order.

REASONS***As to Applicant point no.1:***

5. On going through the record it is contended that the said vehicle allegedly have been seized in the said crime. It is submitted that the the applicant is in need of vehicle as same is seized. It is submitted that the applicant is absolute owner of the vehicle had no more concerned with the seizure of any contraband.
6. On behalf of Learned APP opposed the application and submitted that the said vehicle used by the accused in crime. Therefore, application be rejected.
7. On behalf of the applicant filed affidavit below Exh.5 stating that the he is innocent and he is the owner of the said vehicle. The applicant had no knowledge about the said contraband.
8. As in case of ***Sunderbhai Ambalal Desai..vs..State of Gujarat (2002) 10 SCC 283***, in which the Hon'ble Apex Court held that, "the object and scheme of the various provisions of the code appear to be that where the property which has been the subject matter of an offence is seized by the police, it ought not to be retained in the custody of the Court or of the police for any time longer that what is absolutely necessary".

9. Considering these aspects that prima-facie said vehicle is apparently in the present crime. Vehicle is kept in police station for more than six months. Considering these aspects that prima-facie said vehicle apparently in the present crime. Vehicle is kept in police station for more than six months. Keeping the vehicle unused in police station, will deteriorate its condition. From the R.C. book/particulars, it appears that the applicant is owner of the vehicle. It is pertinent to mention here that she undertakes to keep vehicle in good condition and if release the aforesaid seized vehicle in favour of the applicant, she would produce as and when required by this Court. Moreover, the applicant is ready to abide by any condition as imposed by this Court. The vehicle as per Section 60 to 63 of the NDPS Act is liable for confiscation if guilt of the accused is proved if vehicle is give to the accused he will use that vehicle and its value will reduce due to depreciation. So it will not be possible to recover the value of the vehicle which was at the time of its seizure. So security is to be taken from the accused to deposit the value of the vehicle which is at the time of seizure in the Court if the case is disposed of after 2 - 3 years. So in my view is to be released on furnishing bond by accused and solvent surety of Rs.80,000/-. Hence, finding to point No.1 is recorded as “**Affirmative**” and proceed to pass following order :-

ORDER

1. Application is allowed.
2. The vehicle Two Wheeler Activa Moped bearing registration No.MH-49-CH-9199 be given to the applicant ***Ashish Diliprao Kale***, as interim custody on executing indemnity bond of Rs.80,000/-with solvent surety of Rs.80,000/- on condition.
3. Applicant shall undertake that he shall not transfer,sale or mortgage the said vehicle or change its appearance without permission of this Court.

4. The applicant shall produce vehicle, if directed by this Court or any other Superior Court in any proceedings arising out in the present crime subject to limitation thereof.
5. Bond be executed before the Investigating officer.
6. The Investigating officer is directed to inform the R.T.O. authority as not to transfer the vehicle in any other name without prior permission of this Court.
7. The Investigating officer is directed to draw proper panchnama of delivery of the said vehicle as duly attested by the applicant and two other witnesses along with the photograph of vehicle from the different angle as to maintain its identity.
8. The Investigating officer is directed as to submit the said panchnama along with photograph and bond executed by the applicant in the case pending before the Court arising out of the said crime and along with compliance report.

(Manish S. Ganorkar)

Dated : 1st April 2026.

Judge Special Court (N.D.P.S.Court)
Nagpur